

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MICHAEL P. TATRO,

Plaintiff,

V.

**ENHANCED RECOVERY, COMPANY,
LLC,**

Defendant.

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C.A. No.
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NOTICE OF REMOVAL TO FEDERAL COURT

Defendant, Enhanced Recovery Company, LLC (“ERC”), by and through its undersigned counsel and, pursuant to 28 U.S.C. § 1446, hereby files its Notice of Removal of this action from the Kent County Superior Court to the United States District Court for the District of Rhode Island as follows:

1. On or about December 17, 2019, Plaintiff, Michael P. Tatro (“Plaintiff”), filed a civil action in the Kent County Superior Court, styled *Michael P. Tatro v. Enhanced Recovery Company*, Case No. KC-2019-1397.

2. On January 6, 2020, a copy of the Complaint was served on ERC. This Notice of Removal is being filed within thirty (30) days of Defendant's receipt through service of Plaintiff's Complaint and, therefore, under 28 U.S.C. § 1446(b)(1), this Notice of Removal is timely and proper.

3. Additionally, pursuant to 28 U.S.C. § 1446(a), true and legible copies of all process, pleadings, and orders of every kind on file in the state and known to have been served

by, or upon ERC, are attached hereto as composite Exhibit “A.” Defendant is not aware of any further proceeding in the above-described civil action.

4. This Court possesses original jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as this civil action involves a federal question.

5. Plaintiff alleges that ERC violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the “FDCPA”) and the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (the “FCRA”), as well as a number of Rhode Island statutes, and asserts common law claims against ERC. The FDCPA and FCRA are laws of the United States and, therefore, pursuant to 28 U.S.C. § 1441(a), these claims are removable to this Court.

6. Additionally, Plaintiff’s state law claims arise from the same set of common allegations as his FDCPA and FCRA claims. Accordingly, this Court has supplemental jurisdiction over these claims and they are properly removable to this Court. *See* ; 28 U.S.C. §§ 1367, 1441(c).

7. ERC will promptly file the Notice of Filing Notice of Removal attached hereto as Exhibit “B,”¹ with a copy of this Notice of Removal, in the Office of the Clerk of the Kent County Superior Court. ERC will also promptly provide a written copy of the Notice of Removal to Plaintiff.

8. ERC has complied with all conditions precedent to the removal of this action.

WHEREFORE, Defendant, Enhanced Recovery Company, LLC, respectfully gives notice that the above-described civil action now pending in the Kent County Superior Court, is removed therefrom to this Court.

¹ The exhibit to the Notice of Filing Notice of Removal, consisting of this Notice of Removal, has been omitted from Exhibit A.

Dated: January 28, 2020

Respectfully Submitted,
ENHANCED RECOVERY COMPANY, LLC

By its attorneys

/s/ Clint D. Watts

Clint D. Watts, Esq. (# 9342)

Paul E. Dwyer (#3956)

McElroy, Deutsch, Mulvaney & Carpenter, LLP

Metro East Office Park

117 Metro Center Boulevard, Suite 1004

Warwick, RI 02886

Telephone: 401.298.9001

Facsimile: 401.921.2134

Email: cwatts@mdmc-law.com

pdwyer@mdm-law.com

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and service of same to the following via first class, regular mail.

Michael P. Tatro, Pro Se
Federal Correction Institute
33 1/2 Pembroke Road
Danbury, CT 06811

/s/ Clint D. Watts

Clint D. Watts